

# EXHIBIT 7

HIGHLY CONFIDENTIAL

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

- HIGHLY CONFIDENTIAL -

VIDEOTAPED 30(b)(6) DEPOSITION OF  
NATIONAL HIGHWAY TRAFFIC SAFETY ASSOCIATION  
through the testimony of  
SUSAN A. McMEEN  
September 26, 2023  
2:55 p.m.

Reported by: Bonnie L. Russo  
Job No. 6105353

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Page 2	Page 4
1       Videotaped 30(b)(6) Deposition of	1       I N D E X
2       National Highway Traffic Safety Association	2       EXAMINATION OF SUSAN A. McMEEN
3       through the testimony of Susan A. McMeen held	3       BY MR. GREENBAUM
4       at:	4
5	5
6	6       EXHIBITS
7	7
8	8       Exhibit 140 Plaintiff United States      17
9       Paul, Weiss, Rifkind, Wharton & Garrison, LLP	9       of America's Response to
10      2001 K Street, N.W.	9       Defendant Google LLC's
11      Washington, D.C.	10      Second Set of Interrogatories
12	10      to the United States
13	11      Exhibit 141 E-Mail dated 11-19-20      57
14	11      NHTSA-ADS-0000500223-233
15	12      Exhibit 142 2022 NHTSA ADAS Campaign   74
16	13      Exhibit 143 Google Display               75
17	14      Observations
18      Pursuant to Notice, when were present on behalf	15      Exhibit 144 E-Mail Chain dated 8-10-22   86
19      of the respective parties:	15      Attachment
20	16      NHTSA-ADS-00002252582-648
21	17
22	18
	19
	20
	21
	22      (Exhibits bound separately.)
Page 3	Page 5
1       APPEARANCES:	1       P R O C E E D I N G S
2	2       (2:55 p.m.)
3       On behalf of the Plaintiffs:	3
4       DAVID GROSSMAN, ESQUIRE	4       THE VIDEOGRAPHER: We are now on
5       MARK H.M. SOSNOWSKY, ESQUIRE	5       the record.
6       SEAN CARMAN, ESQUIRE	6       This begins the testimony of Susan
7       ALVIN CHU, ESQUIRE	7       A. McMeen taken in the matter of the United
8       VINNIE SIDHU, ESQUIRE	8       States versus -- the United States, et al.
9       UNITED STATES DEPARTMENT OF JUSTICE	9       versus Google LLC, case filed in the U.S.
10      450 Fifth Street, N.W.	10      District Court for the Eastern District of
11      Washington, D.C. 20530	11      Virginia, Alexandria Division.
12      david.grossman@usdoj.gov	12      The time is currently 2:55 p.m., and
13      mark.sosnowsky@usdoj.gov	13      the date is September 26, 2023. We are at the
14      sean.carman@usdoj.gov	14      offices of Paul Weiss, 2001 K Street,
15      alvin.chu@usdoj.gov	15      Northwest, in Washington, D.C.
16      vinnie.sidhu@usdoj.gov	16      The videographer is Jonathan Perry
17      On behalf of the Defendant:	17      and the court reporter is Bonnie Russo both
18      CARTER E. GREENBAUM, ESQUIRE	18      here on behalf of Veritext.
19      PAUL, WEISS, RIFKIND,	19      Will counsel present please
20      WHARTON & GARRISON, LLP	20      introduce themselves and state whom they
21      1285 Avenue of the Americas	21      represent.
22      New York, New York 10019	22      MR. GREENBAUM: My name is Carter
15      -and-	
16      ANNELISE CORRIVEAU, ESQUIRE	
17      PAUL, WEISS, RIFKIND,	
18      WHARTON & GARRISON, LLP	
19      2001 K Street, N.W.	
20      Washington, D.C. 20006	
21      acorriveau@paulweiss.com	
22      Also Present:	
20      Jonathan Perry, Videographer	
21      Erin Hendrixson, Department of Transportation	
22      Also Present Via Remotely:	
21      Steve Hench, National Highway Traffic Safety	
22      Administration	

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1 A. I do see that.	1 spend from Google display to Facebook display?
2 Q. What do you understand that to mean?	2 MR. GROSSMAN: Objection to form.
3 A. That they shifted the remaining	3 THE WITNESS: That they shifted the
4 Google display budget to Facebook display in	4 remaining Google display budget to Facebook
5 September, which was much stronger click --	5 display in September.
6 CTRs, which is click-through rates.	6 BY MR. GREENBAUM:
7 Q. I think you might be going ahead --	7 Q. So your media agency is recommending
8 A. Oh, sorry.	8 shifting spend from purchasing display
9 Q. -- to the next sentence --	9 advertising using Google to purchasing display
10 A. Oops. Sorry.	10 advertising using Facebook here --
11 Q. -- but I was reading the first one.	11 MR. GROSSMAN: Objection to form.
12 But we will get there in just a moment.	12 BY MR. GREENBAUM:
13 A. Okay.	13 Q. -- is that right?
14 Q. So the first sentence was: "The	14 MR. GROSSMAN: Objection to form and
15 display campaign launched on July 22nd and was	15 foundation.
16 added as a complement in tandem with Google	16 THE WITNESS: That is what it says.
17 Search to increase the reach of the campaign."	17 BY MR. GREENBAUM:
18 What does that mean, to increase the	18 Q. Do you recall telling your media
19 reach of the campaign?	19 agency not to shift spend from Google to
20 A. Reach is how many people you can	20 Facebook?
21 reach. How many people you can reach in a	21 A. I do not recall that.
22 campaign.	22 Q. Okay. You can put this document
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1 Q. So this display campaign was	1 aside.
2 launched to increase the reach of the campaign?	2 So we talked in your last deposition
3 A. It was added as a component to reach	3 about when you personally learned about this
4 the campaign in tandem.	4 lawsuit.
5 Q. The next sentence says: "The	5 Do you recall that?
6 highest performing display unit was the 580 by	6 A. I'm sorry. What's the question?
7 400 at 0.08."	7 Q. I want to talk to you about -- in
8 Do you see that?	8 your role as a representative of NHTSA about
9 A. Yes.	9 when NHTSA first learned of this lawsuit.
10 Q. And the next line says:	10 Do you know when that was?
11 "Unfortunately, the average CTR for this	11 A. Sometime in the end of February,
12 campaign was at 0.06 percent, which is much	12 beginning of March.
13 lower than other tactics on the plan.	13 Q. So was that after the Department of
14 Recognizing this, we shifted the remaining	14 Justice filed suit?
15 Google display budget to Facebook display in	15 MR. GROSSMAN: I just want to
16 September, which has much stronger CTRs."	16 caution the witness not to reveal the content
17 Did I read that correctly?	17 of any attorney-client communications related
18 A. That's correct.	18 to this case. You can answer with regard to
19 Q. What does CTRs stand for?	19 when certain communications happened.
20 A. Click-through rate.	20 THE WITNESS: It's my understanding
21 Q. And what do you understand to be	21 from NHTSA that it was the end of February,
22 conveyed here in this report about shifting	22 beginning of March.

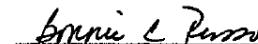
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1 BY MR. GREENBAUM:	1 A. Yes. Thank you.
2 Q. And that's after the Department of	2 Q. Am I correct that Stratacomm
3 Justice filed this lawsuit?	3 purchases were on behalf of NHTSA?
4 A. That's my understanding.	4 A. Yes.
5 Q. Prior to the Department of Justice	5 Q. Does Stratacomm have a contract with
6 reaching out in connection with this lawsuit,	6 Google to purchase media on behalf of NHTSA?
7 did any of NHTSA's media agencies raise any	7 MR. GROSSMAN: Objection to form.
8 concern that NHTSA had suffered damage as a	8 THE WITNESS: So we have several
9 result of any anticompetitive action by Google?	9 Stratacomm contracts. So I guess it would
10 MR. GROSSMAN: Objection to form and	10 depend on which one you're referring to.
11 foundation.	11 BY MR. GREENBAUM:
12 THE WITNESS: Can you repeat the	12 Q. I am trying to ask a different
13 question.	13 question which is: Who has the contract with
14 BY MR. GREENBAUM:	14 Google? Do you know if Stratacomm has a
15 Q. Prior to the Department of Justice	15 contract with Google to purchase advertising?
16 reaching out in connection with this lawsuit,	16 A. So, again, you need to be a little
17 did any of NHTSA's media agencies raise any	17 bit more specific because we have multiple
18 concern that NHTSA had suffered damages as a	18 Stratacomm contracts.
19 result of any anticompetitive action on the	19 Q. I am not talking about NHTSA's
20 part of Google?	20 contracts with Stratacomm. I am asking a
21 MR. GROSSMAN: Objection to form and	21 separate question.
22 foundation.	22 Does Stratacomm have a contract with
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1 THE WITNESS: No, I don't remember.	1 Google to purchase advertising?
2 No.	2 A. So I don't and my -- my COR --
3 BY MR. GREENBAUM:	3 actually, not myself. But our CORs do not --
4 Q. Prior to February of 2023, did	4 we don't see that information because that
5 anyone at NHTSA raise any concern that NHTSA	5 would be almost considered a subcontractor
6 had suffered damages as a result of any	6 really in the sense of contract law. And we --
7 anticompetitive action by Google?	7 we don't -- we just work with our contractor.
8 MR. GROSSMAN: Objection to form and	8 Q. Understood. Do you review invoices
9 foundation.	9 from Google?
10 THE WITNESS: Not -- I do not	10 A. Again --
11 recall.	11 MR. GROSSMAN: Objection to form.
12 BY MR. GREENBAUM:	12 THE WITNESS: Again, so if it was
13 Q. Am I correct that Stratacomm or its	13 within the paid media buy, NHTSA does receive
14 subcontractors purchase media on behalf of	14 invoices from the contractor being Stratacomm
15 NHTSA in connection with their campaigns that	15 or Ad Council or our other -- other
16 they run?	16 contractors, and, you know, if that's proof of
17 MR. GROSSMAN: Objection to form.	17 showing payment, then they would have that
18 THE WITNESS: Can you repeat the	18 included.
19 question.	19 BY MR. GREENBAUM:
20 BY MR. GREENBAUM:	20 Q. And in connection with your
21 Q. It was a poorly worded question, so	21 preparation today. Did you review any invoices
22 let me try again.	22 from Google?

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1	BY MR. GREENBAUM:		
2	Q. In connection with today's		1 you very much for your time. I have no further
3	deposition, did you ask your COR about the		2 questions, but appreciate all the time we spent
4	process by which Google's -- gets paid for the		3 together over two days. So thank you.
5	services it provides to your ad agencies?		4 THE WITNESS: Thank you.
6	MR. GROSSMAN: Objection to form.		5 MR. GROSSMAN: Nothing further.
7	THE WITNESS: I didn't specifically		6 Can we get a read-out of the final
8	ask Google. I just -- I was asking in general		7 time spent on the record.
9	how they do it and how they use -- you know,		8 THE VIDEOGRAPHER: Final time was 80
10	the process they go through to do approvals of		9 minutes.
11	invoices.		10 MR. GROSSMAN: I just want to -- I
12	BY MR. GREENBAUM:		11 just want to --
13	Q. And are the -- putting aside that		12 MR. GREENBAUM: Can we go off the
14	you don't know who the invoices are billed		13 record.
15	to --		14 MR. GROSSMAN: Can we go off.
16	A. Uh-huh.		15 THE VIDEOGRAPHER: Yes.
17	Q. -- is the invoice for Google		16 Going off the record at 4:44. This
18	services on the vehicle campaigns billed to		17 ends the deposition.
19	NHTSA?		18 (Whereupon, the proceeding was
20	A. No. It gets billed to our ad -- you		19 concluded at 4:44 p.m.)
21	know, whomever is doing the -- the buy.		20
22	Q. And that whomever could be one of		21
			22
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1	Stratacomm's subcontractors?		1 CERTIFICATE OF NOTARY PUBLIC
2	MR. GROSSMAN: Objection to form and		2 I, Bonnie L. Russo, the officer before
3	foundation.		3 whom the foregoing deposition was taken, do
4	THE WITNESS: Yes. Like, as I		4 hereby certify that the witness whose testimony
5	explained, and they do it on behalf of NHTSA.		5 appears in the foregoing deposition was duly
6	MR. GREENBAUM: Okay. You can put		6 sworn by me; that the testimony of said witness
7	this to the side.		7 was taken by me in shorthand and thereafter
8	I think -- can we take a break, and		8 reduced to computerized transcription under my
9	if we take a break now, I might be able to wrap		9 direction; that said deposition is a true
10	up quickly.		10 record of the testimony given by said witness;
11	MR. GROSSMAN: Sure.		11 that I am neither counsel for, related to, nor
12	THE WITNESS: Great.		12 employed by any of the parties to the action in
13	MR. GREENBAUM: Let's go off the		13 which this deposition was taken; and further,
14	record.		14 that I am not a relative or employee of any
15	THE VIDEOGRAPHER: Off the record at		15 attorney or counsel employed by the parties
16	4:34. This ends Media Unit No. 1. We are off		16 hereto, nor financially or otherwise interested
17	the record.		17 in the outcome of the action.
18	(A short recess was taken.)		18
19	THE VIDEOGRAPHER: On the record at		19
20	4:44. This begins Media Unit 2 in the		20
21	testimony of Susan McMeen.		21
22	MR. GREENBAUM: Ms. McMeen, thank		22



Notary Public in and for

the District of Columbia

My Commission expires: August 14, 2025

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